

FR 36355, July 18, 1994, is adopted as final without change.

[FR Doc. 95-7735 Filed 3-28-95; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Parts 10, 123, 145 and 178

[T.D. 94-47]

RIN 1515-AB40

#### Elimination of Certain Documentation Requirements for Articles Entered Under Various Special Tariff Treatment Programs and Provisions

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a final rule document which amended the Customs Regulations by removing certain documentation requirements relating to the entry of articles claimed to be entitled to a partial duty exemption or duty-free treatment under various special tariff provisions or programs. The correction involves an amendatory instruction regarding § 178.2 of the Customs Regulations which lists the control numbers for approvals of information collection requirements.

**EFFECTIVE DATE:** This correction is effective June 16, 1994.

**FOR FURTHER INFORMATION CONTACT:** Craig Walker, Office of Regulations and Rulings, 202-482-6980.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 17, 1994, Customs published in the **Federal Register** (59 FR 25563) a final rule document amending the Customs Regulations to remove certain documentation requirements relating to the entry of articles claimed to be entitled to a partial duty exemption or duty-free treatment under various special tariff provisions or programs. Among the amendments were consequential amendments to § 178.2 of the Customs Regulations (19 CFR 178.2) concerning the revision, removal or addition of listings in the table setting forth the listing of Office of Management and Budget control numbers for approvals of information collection requirements pursuant to the Paperwork Reduction Act of 1980. One of the removed listings referred to in the amendatory instruction was the listing for § 10.8(e). However, this reference

was incorrect because, in an interim rule document published in the **Federal Register** on December 30, 1993 (58 FR 69460), § 178.2 had been amended by removing from the table the reference to "§ 10.8(e)" and adding, in its place, the reference "§ 10.8(f)". Accordingly, this document corrects the amendatory instruction for § 178.2 in the May 17, 1994, final rule document to properly refer to the removal of § 10.8(f).

#### Correction of Publication

In the document published in the **Federal Register** as T.D. 94-47 on May 17, 1994 (59 FR 25563), on page 25571, second and third columns, the amendatory instruction for § 178.2 is corrected to read as follows:

##### § 178.2 [Corrected]

"2. Section 178.2 is amended by revising the listings for §§ 10.1 and 10.173, removing the listings for §§ 10.8(f), 10.9(e), and 10.191-10.198 and adding, in their place respectively, listings for §§ 10.8, 10.9, and 10.198 to read as follows:"

Dated: March 23, 1995.

**Harold M. Singer,**  
Chief, Regulations Branch.

[FR Doc. 95-7721 Filed 3-28-95; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF STATE

### 22 CFR Part 22

[Public Notice 2182]

#### Schedule of Fees for Consular Services

**AGENCY:** Bureau of Consular Affairs, State.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This interim rule establishing fees for the processing of fingerprints required of certain applicants for immigrant visas. These fees, pursuant to the guidelines set out in Office of Management and Budget (OMB) Circular No. A-25, are set at a cost-recovery based level of \$25.00 per set of fingerprints.

**DATES:** *Effective Date:* March 29, 1995.  
*Comments:* Comments are due on or before April 28, 1995.

**ADDRESSES:** Interested persons are invited to submit comments in duplicate to the Office of the Executive Director, Bureau of Consular Affairs, Department of State, Washington, DC 20520-4818.

#### FOR FURTHER INFORMATION CONTACT:

John Arndt, Management Analyst, Officer of the Executive Director, Bureau of Consular Affairs, Department of State, Washington, DC 20520-4818, (202) 647-1272.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 140(d) of the Foreign Relations Authorization Act, FY 94-95 (Public Law 103-236), enacted April 30, 1994, authorizes the Department of State to obtain the full content of criminal history records of those applicants for immigrant visas whose names are indexed in the Interstate Identification Index of the National Crime Information Center. To do so requires submission of fingerprint records. The statute further provides that the Department shall pay the appropriate fee as provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, FY 90 (Public Law 101-162), and that the program shall end on January 1, 1998.

Section 505 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, FY 95 (Public Law 103-317), enacted August 26, 1994, requires the Secretary of State, in the ten countries with the highest volume of immigrant visa issuance for the most recent fiscal year for which data are available, to submit to the Federal Bureau of Investigation (F.B.I.) records of fingerprints for all immigrant visa applicants over sixteen years of age to ascertain whether such applications have been previously convicted of a felony under State or Federal law in the United States. Section 505 further provides that the Department shall pay all appropriate fees for this fingerprinting pilot program and that the program shall end on January 1, 1998.

Executive Order 10718 of June 27, 1957, authorizes the Secretary of State to exercise the President's authority under 22 U.S.C. 4219 to prescribe rates of fees to be charged for official services performed by the Department of State. Under this authority, the Department has determined a number of fees for consular services performed overseas, as well as in the United States, within the guidelines set by OMB Circular No. A-25. The policy set out in OMB Circular A-25 states that services which directly benefit individuals, organizations, or groups should be paid for by the users rather than the taxpayers. Services performed for the primary benefit of the general public or the U.S. Government are to be supported by tax revenues. The

principles of OMB Circular A-25 have guided various fee studies conducted by the Department.

Under Delegation of Authority No. 198, the Secretary of State delegated to the Under Secretary for Management all management-related functions arising out of the activities or certain bureaus, including the Bureau of Consular Affairs. Pursuant to this Delegation, the Under Secretary of Management has the authority to establish the fingerprinting fee and to promulgate this regulation.

The fingerprint fee is set at \$25.00 to recover the cost to the Department of paying the F.B.I.'s \$18.00 fee for examining and checking the fingerprints against its fingerprint records. Added to the F.B.I. charge of \$18.00 is \$7.00 in administrative costs for each set of fingerprints which will cover the cost to the Department of taking the applicant's fingerprints, transmitting them to the F.B.I., and obtaining and reviewing records from the F.B.I. It will also cover the costs of equipment, renovations, furnishings, and supplies used in connection with the fingerprint program. This \$7.00 figure was determined by calculating the estimated cost of fingerprinting 205,000 immigrant visa applicants (the estimated number of applicants that will be affected by section 140(d) of Public Law 103-236 and by section 505 of Public Law 103-317), and then dividing that figure by the number of affected immigrant visa applicants to arrive at the pro rata unit cost of implementing the new fingerprinting requirement.

Section 140(d) of the Foreign Relations Authorization Act, FY 94-95 (Public Law 103-236), enacted April 30, 1994, authorizes the Department of State to obtain the full content of criminal history records of those applicants for immigrant visas whose names are indexed in the Interstate Identification Index of the National Crime Information Center.

Section 505(e) of the Departments of Commerce, Justice, and State, and the Judiciary and Related Agencies Appropriations Act, FY 95 (Public Law 103-317), enacted August 26, 1994, requires the Department of State, in the ten countries with the highest volume of immigrant visa issuance for the most recent fiscal year for which data are available, to submit records of fingerprints for all immigrant visa applicants over sixteen years of age to the F.B.I. to ascertain whether such applicants have been previously convicted of a felony under State or Federal law in the United States.

The implementation of this rule as an interim rule, with provision for post-promulgation comments, is based upon the "good cause" exception found at 5 U.S.C. 553(d)(3). The Department of State is statutorily authorized to obtain the full content of criminal history records as described above. In accordance with this requirement, the Department has already begun transmitting the names of immigrant visa applicants to the F.B.I. This rule must take effect upon publication to ensure that the Department is

reimbursed for the expenses it will incur in obtaining those records.

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, this rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. This rule has been reviewed as required by Executive Order 12778 and certified to be in compliance therewith. This rule is exempt from review under Executive Order 12866, but has been reviewed internally by the Department to ensure consistency with the objectives thereof.

#### List of Subjects in 22 CFR Part 22

Passport and visas.

Accordingly, 22 CFR part 22 is amended as follows:

#### PART 22—[AMENDED]

1. The authority citation for part 22 is revised to read as follows:

**Authority:** 8. U.S.C. 1182, 1351; 22 U.S.C. 211a, 214, 2651, 2658, 3921, 4219; 31 U.S.C. 9701; EO 10718, 22 FR 4632, 3 CFR, 1954-1958 Comp., p. 382; EO 11295, 31 FR 10603, 3 CFR, 1966-1970 Comp., p. 570.

2. In § 22.1, the table is amended under the undesignated centered heading, "Visa Services for Aliens" by revising the parenthetical after item 25 and adding items 27 and 28 and a parenthetical after the items to read as follows:

#### § 22.1 Schedule of fees.

Item No.	Fee
* * * * *	
(Item No. 26 vacant.)	
27. For the taking of fingerprints for those applicants for immigrant visas whose names are indexed in the Interstate Identification Index of the National Crime Information Center .....	\$25.00
28. For the taking of fingerprints from immigrant visa applicants pursuant to 8 U.S.C. 1182 .....	25.00
(Item No. 29 vacant.)	
* * * * *	

Dated: March 11, 1995.

**Richard Moose,**

*Under Secretary for Management,  
Department of State.*

[FR Doc. 95-7687 Filed 3-28-95; 8:45 am]

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#### DEPARTMENT OF THE INTERIOR

##### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 936

##### Oklahoma Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule, approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Oklahoma regulatory program (hereinafter referred to as the "Oklahoma program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of recodification of Oklahoma's coal mining rules and revisions to the rules pertaining to hydrologic balance requirements for siltation structures, sedimentation pond storage volume, subsidence control and public notice, road systems, protection of underground